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DATE FILED 5/19/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Plaintiff,

- v. -

UNITED STATES DEPARTMENT OF ENERGY
and UNITED STATES AIR FORCE,

Defendants.
-----X

No. 09 Civ. 1334 (SAS)

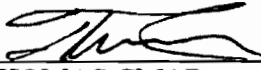
Stipulation and Order

Plaintiff Natural Resources Defense Council, Inc. and Defendants United States Department of Energy and United States Air Force, having exchanged information and government records pertaining to the Freedom of Information Act ("FOIA") requests at issue in this litigation, hereby stipulate to resolve the pending disputes on the following terms:

1. Plaintiff and Defendants agree to dismissal of this action with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1).
2. The parties agree to meet and confer regarding Plaintiff's entitlement to attorneys' fees and costs under FOIA, 5 U.S.C. § 552(a)(4)(E). Defendants preserve all rights to challenge Plaintiff's entitlement to attorneys' fees and costs, as well as to challenge the amount of fees and costs Plaintiffs may seek to recover. If the parties are unable to reach an agreement on Plaintiff's entitlement to attorneys' fees and costs and the appropriate amount, Plaintiff will file a motion to recover its attorneys' fees and costs not later than July 19, 2010.
3. The Court will retain jurisdiction to adjudicate Plaintiff's motion for attorneys' fees and costs. For all other purposes the case is closed.

Dated: May 19, 2010

Respectfully submitted,

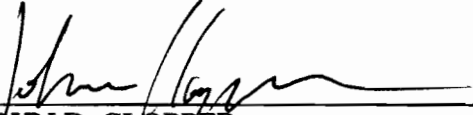


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Counsel for Plaintiff

Respectfully submitted,

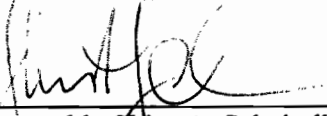
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Counsel for Defendants

SO ORDERED:



The Honorable Shira A. Scheindlin
U.S.D.J.

5/19/10